

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANNON ANDERSEN,

Plaintiff,

v.

NATIONAL ASSOCIATION OF LETTER
CARRIERS, a labor organization, and
NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 79, a labor
organization, and UNITED STATES
POSTAL SERVICE, and LOUIS DEJOY,
POSTMASTER OF THE UNITED STATES,

Defendant.

CASE NO. 2:20-cv-01678-RSM

STIPULATION AND
ORDER TO CONTINUE
DEADLINES

Plaintiff Shannon Andersen and Defendants National Association of Letter Carriers, National Association of Letter Carriers, Branch 79 and Louis DeJoy, Postmaster General of the United States Postal Service, hereby jointly stipulate and move for a six-month extension of the remaining case deadlines, including the trial date.

A court may modify a schedule for good cause. Fed. R. Civ. P. 16(b)(4). Continuing pretrial and trial dates is within the discretion of the trial judge. *See King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986).

The parties submit there is good cause for an extension of the deadlines. Defendants

1 contend that they lack basic information about plaintiff's claims. Plaintiff responds that defendants
 2 are fully aware that the Defendant Union's arbitration of Plaintiff's removal grievance was not
 3 successful as the arbitrator concluded that the grievance was untimely, and thus, there has been no
 4 legal determination as to the lack of just cause for Plaintiff's removal and end of her postal career.

5 As set forth in their motions to dismiss, defendants contend that plaintiff has not stated a
 6 claim against any of the defendants and that her complaint does not include essential information
 7 such as what contract provision she claims the Postal Service violated, or the basis for her claim
 8 that her labor union discriminated against her. Dkt. #8, 10. Those motions have been fully briefed
 9 by all parties; each has been diligent in doing so as their motions to dismiss were filed in January
 10 and February, 2021.

11 Defendants subsequently propounded written discovery requests to plaintiff to ascertain
 12 the basis for her claims and her claimed evidence in support. Although the deadline to respond to
 13 those requests has passed and defendants have not granted plaintiff an extension of time to respond,
 14 plaintiff has not produced any responses or documents to defendants' discovery requests. Plaintiff
 15 states that due to several unanticipated events including the past two weeks' need to provide
 16 support to a friend on a medically urgent situation, counsel anticipates getting an initial response
 17 on all sets of discovery by week's end. Moreover, all parties had informally stayed depositions
 18 pending resolution of the motions to avoid unnecessary expenses. Therefore, good cause exists
 19 because defendants would suffer prejudice if they were required to comply with quickly
 20 approaching deadlines without knowing the nature of and basis for plaintiff's claims.

21 Based on the foregoing, the parties agree to extend the current deadlines as follows:

	CURRENT DEADLINES	NEW DEADLINES
23 Disclosure of expert 24 testimony under 25 FRCP 26(a)(2)	November 17, 2021	May 17, 2022
26 Deadline for filing motions related to discovery.	December 17, 2021	June 17, 2022

1	Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)		
2			
3	Discovery completed by	January 18, 2022	July 18, 2022
4			
5	All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	February 15, 2022	August 15, 2022
6			
7			
8	Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	April 1, 2022	October 3, 2022
9			
10	All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	April 18, 2022	October 18, 2022
11			
12			
13			
14	Agreed pretrial order due	May 4, 2022	November 4, 2022
15			
16	Pretrial conference to be scheduled by the Court		
17			
18	Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	May 11, 2022	November 11, 2022
19			
20	5 DAY BENCH TRIAL	May 16, 2022	November 16, 2022

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 DATED this 28th day of October, 2021.

3
4 s/ Patricia S. Rose

5 PATRICIA S. ROSE, WSBA #19046

6 1455 NW Leary Way, Suite 400

7 Seattle, WA 98107

8 T: 206-622-8964 / F: 206-694-2695

9 E: patty@pattyroselaw.com

10 Attorney for Plaintiff

11
12 NICHOLAS W. BROWN

13 United States Attorney

14
15 s/ Sarah K. Morehead

16 SARAH K. MOREHEAD, WSBA #29680

17 United States Attorney's Office

18 700 Stewart Street, Suite 5220

19 Seattle, WA 98101

20 T: 206-553-7970

21 E: sarah.morehead@usdoj.gov

22 Attorney for Federal Defendants

23
24 s/ Kate M. Swearengen

25 KATE M. SWEARENGEN, *Admitted Pro Hac Vice
26 COHEN, WEISS AND SIMON LLP

900 Third Avenue, Suite 2100

New York, NY 10022-4869

T: (212) 563-4100

E: kswearengen@cwsny.com

Attorney for Union Defendants

27
28 s/ Benjamin Berger

29 BENJAMIN BERGER, WSBA #52909

30 BARNARD IGLITZIN & LAVITT LLP

31 18 W Mercer St, Suite 400

32 Seattle, WA 98119

33 T: (206) 257-6006

34 E: Berger@workerlaw.com

35 Attorney for Union Defendants

36
STIPULATION AND ORDER TO
CONTINUE DEADLINES – 4

ORDER

It is hereby so **ORDERED** that the deadlines are continued as set forth in the stipulation between the parties. A revised case scheduling order consistent with the stipulation of the parties will be issued.

DATED this 1st day of November, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE